

SUPREME COURT
OF BRITISH COLUMBIA
VANCOUVER REGISTRY

OCT 03 2025

ENTERED



No. S-226670
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT,
R.S.C. 1985, c. C-36, AS AMENDED

AND

IN THE MATTER OF THE BUSINESS CORPORATIONS ACT,
S.B.C. 2002, c. 57, AS AMENDED AND THE BUSINESS
CORPORATIONS ACT, S.N.B. 1981, c. B-9.1, AS AMENDED

AND

IN THE MATTER OF A PLAN OF COMPROMISE AND ARRANGEMENT OF
TREVALI MINING CORPORATION AND TREVALI MINING (NEW BRUNSWICK) LTD.

PETITIONERS

ORDER MADE AFTER APPLICATION
(APPIAN CIVIL CLAIM ORDER)

)	)
BEFORE) THE HONOURABLE MADAM	) 26/SEPT/2025
) JUSTICE FITZPATRICK	)

ON THE APPLICATION of FTI Consulting Canada Inc., in its capacity as court-appointed monitor of Trevali Mining Corporation and Trevali Mining (New Brunswick) Ltd. (in such capacity, the "**Monitor**"), coming on for hearing at Vancouver, British Columbia, on the 26th day of September, 2025, by MS Teams; AND ON HEARING Eamonn Watson, counsel for the Monitor, and those other counsel listed on **Schedule "A"** hereto; AND UPON READING the material filed, including the Twenty-First Report of the Monitor dated September 19, 2025 (the "**Twenty-First Report**"); AND pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36 as amended (the "**CCAA**"), the *British Columbia Supreme Court Civil Rules*, and the inherent jurisdiction of this Honourable Court;

THIS COURT ORDERS AND DIRECTS that:

1. Rosh Pinah Zinc Corporation (Pty) Ltd., Appian Natural Resources Fund III LP, Appian Natural Resources (UST) Fund III LP and ANR RP Limited (collectively, "**Appian**")

are permitted to file a Notice of Civil Claim (the "**Appian Civil Claim**") in respect of the alleged breaches of the Share and Asset Purchase Agreement dated December 15, 2022 (the "**Appian SAPA**"), which agreement was approved by this Court on December 21, 2022, related to lead contamination at and around the Rosh Pinah mine.

2. On or before November 25, 2025, Trevali Mining Corporation shall serve and file a Response to Civil Claim in respect of the Appian Civil Claim.

3. On or before December 19, 2025, Appian may serve and file a reply in respect of the Appian Civil Claim.

4. Any and all further steps in respect of the Appian Civil Claim are stayed until the Monitor or Appian seek further directions from this Court, by way of a procedural order (the "**Procedural Order**"), regarding the adjudication of the Appian Civil Claim in this proceeding.

5. The Appian Civil Claim will be adjudicated in this CCAA proceeding (Supreme Court of British Columbia, Vancouver Registry, Court Action S-226670) in accordance with the Appian SAPA, this Order and the Procedural Order.

6. THIS COURT REQUESTS the aid and recognition of other Canadian and foreign Courts, tribunal, regulatory or administrative bodies, including any Court or administrative tribunal of any federal or State Court or administrative body in the United States of America, Burkina Faso, Namibia and South Africa to act in aid of and to be complementary to this Court in carrying out the terms of this Order where required. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to Trevali Mining Corporation and the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order, to grant representative status to the Monitor in any foreign proceeding, or to assist Trevali Mining Corporation and the Monitor and their respective agents in carrying out the terms of this Order.

7. Endorsement of this Order by counsel appearing on this application other than counsel for the Monitor and counsel for Appian is hereby dispensed with.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:



Signature of Eamonn Watson
Lawyer for the Monitor



Signature of Lee Nicholson
Lawyer for Appian



By the Court.

Registrar



SCHEDULE "A"

LIST OF COUNSEL

Counsel Name	Party Represented
Lee Nicholson	Rosh Pinah Zinc Corporation (Pty) Ltd., Appian Natural Resources Fund III LP, Appian Natural Resources (UST) Fund III LP and ANR RP Limited